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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
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11 MICHAEL ZELENY,

12 Plaintiff,

13 vs.

14 GAVIN NEWSOM, *et al.*,

15 Defendants.
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Case No. CV 17-7357 JCS

Assigned to:

The Honorable Richard G. Seeborg

Discovery Matters:

The Honorable Thomas S. Hixson

JOINT STATUS REPORT

Status Conference Date: 12/12/2019

Status Conference Time: 11:00 a.m.

Action Filed: December 28, 2017

Trial Date: June 8, 2020
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I. PROCEEDINGS TO DATE

Zeleny amended his complaint in early April 2019 to name New Enterprise Associates (“NEA”) as a defendant. The parties stipulated at that time to continue trial and pre-trial dates allow NEA to enter the case as a party and to resolve any pleading challenges.

NEA filed a Motion to Dismiss on May 9, 2019. [Dkt. No. 85]. Because NEA’s involvement in the case impacted the scope of discovery, the parties agreed to defer discovery until NEA’s status was finalized. On July 1, 2019, the Court granted a continuance of trial and pre-trial dates because NEA’s Motion to Dismiss remained pending. [Dkt. No. 95].

On July 30, 2019, the Court issued its ruling granting NEA’s motion with leave to amend. [Dkt. No. 98]. Zeleny timely filed a Second Amended Complaint, per the Court’s order, on August 30, 2019. [Dkt. No. 99].

NEA again moved to dismiss the Second Amended Complaint on September 25, 2019. [Dkt. No. 102]. On October 24, 2019, the parties again stipulated to continue discovery and pre-trial deadlines pending the resolution of NEA’s second motion to dismiss. [Dkt. No. 108]. The Court approved the stipulation on October 25, 2019 [Dkt. No. 109].

On November 5, 2019, the Court granted NEA’s second motion to dismiss without leave to amend. [Dkt. No. 111].

The current trial and pre-trial schedule is as follows:

Discovery Cut-Off:	March 16, 2020
Expert Disclosures:	March 30, 2020
Rebuttal Expert Disclosures:	April 20, 2020
Expert Discovery Cut-Off:	May 11, 2020
Dispositive Motions Hearings:	June 4, 2020
Pre-Trial Conference:	August 12, 2020 at 10:00 a.m.
Trial:	September 21, 2020 at 9:00 a.m.

Order dated 10/25/19 [Dkt. No. 109]

II. CURRENT CASE STATUS

The remaining parties are working towards resuming discovery. The parties served and

1 responded to written discovery early this year. Deposition discovery was underway when
 2 Zeleny added NEA to this case. The parties are now working to schedule the remaining
 3 depositions of party and third-party witnesses.

4 Zeleny has taken the deposition of Chief Dave Bertini, who is testifying individually and
 5 as a 30(b)(6) designee for the City of Menlo Park (the "City") for one day. Another day of
 6 testimony is expected due to Chief Bertini's dual designation. The City has also depose
 7 Zeleny. At this time, the City does not envision needing to notice any further depositions.

8 Counsel for Zeleny and for Attorney General Xavier Becerra, in his official capacity, are
 9 working to arrange the deposition of a 30(b)(6) witness on behalf of Attorney General Becerra
 10 either this month or next.

11 Plaintiff anticipates scheduling additional depositions, including a deposition of NEA as a
 12 non-party, and taking any remaining non-expert discovery in the coming months. The parties
 13 believe that the current trial schedule is practical and will proceed accordingly.

14 Dated: December 5, 2019

Respectfully submitted,

15 s/ Damion Robinson

16 David W. Affeld

17 Damion D. D. Robinson

Affeld Grivakes LLP

Attorneys for Plaintiff Michael Zeleny

18 s/ Noreen Skelly

19 Noreen P. Skelly

Office of the Attorney General

Attorneys for Defendant Xavier Becerra

20 / Todd Master

21 Todd H. Master

Howard Rome Martin & Ridley LLP

22 Attorneys for Defendants the City of Menlo Park
 23 and Dave Bertini

24 # # #

25 Pursuant to Local Civil Rule 5-1(i)(3), I attest that the foregoing attorneys of record
 26 authorized the filing of this document and the inclusion of their electronic signatures.

27 Dated: December 5, 2019

s/ Damion Robinson

28 Damion Robinson

PROOF OF SERVICE

I hereby certify that on December 5, I electronically filed the foregoing document using the Court's CM/ECF system. I am informed and believe that the CM/ECF system will send a notice of electronic filing to the interested parties.

Gabrielle Bruckner